

future is pockmarked with detours and disappointment. But we must be wary in the months ahead. Strenuous efforts will be made to amputate the national government's intervention in the lives of those pressed against the wall because of circumstances over which they have no control. It would be tragic to do that. It would be worse than a crime. It would be a blunder. It cannot be allowed to happen.

To give Faulkner's old verities a communal reality, we have to begin within the family, for parents to care enough, believe enough, do enough to begin the process. Parents, sufficiently armed with passion, can do the most.

Alongside this familial commitment has to be a zealous attention to teachers and schools. We have to be willing to pay for first class public education or it continues to be lousy education. We can't build enough prisons, or wield enough judicial sabers, or legislate enough tough death penalty laws to compensate for the collapse of discipline in the classroom, or the graduation from high school of too many who can't read or write or the total loss of Faulkner's verities. In a time when our national obligations are larger than our capacity to fulfill them all at the same time, our leaders must make it clear—painful, discomforting, frustrating as it may be—that we have to reinstall the family and the school and the church as the central teaching centers for young people. We have to begin the journey back into ourselves before we can go forward into our future. Too idealistic? Too namby-pamby? Too impossible? 'Yes,' to all of those descriptions if you think a society can just amble along and keep its liberties alive when so much of its core convictions are in a state of decay. I don't. Every day liberty must be guarded, because like virtue it is every day besieged.

Then, why am I optimistic? Because all things are always in flux. Nothing lasts forever, neither triumph nor tragedy, nor the omissions of the human spirit. So long as we understand who we are, why we are what we are, and how we became so, then we will always be able to know where it is that we ought to turn and where we must go. Of course, this requires a national conviction. Without conviction, said Lord Macaulay, a man or woman will be right only by accident.

President Kennedy supposedly told the story of a French general in Algeria who wanted to plant a special kind of tree to line the road to his chateau. "But," protested his gardener, "that tree takes a 100 years to bloom." The general smiled and said: "Then we have no time to lose. Start planting today."

It's planting time in America. Faulkner's old verities will take root again much sooner than the General's trees.

TRIBUTE TO FRED MUDGE

Mr. McCONNELL. Mr. President, I rise today to recognize the career accomplishments and community leadership of Mr. Fred N. Mudge upon his retirement as president and CEO of Logan Aluminum, Inc., in Lewisburg, KY.

Mr. Mudge began his career 32 years ago as a plant manager with Anaconda Aluminum. Later, his aptitude for innovation and demand for quality guided him in his progress from site manager for Anaconda's Alpart facility in Jamaica to the position of vice president of technology for Anaconda and ARCO Metals of Chicago. In 1985, Fred Mudge invested his tenacity and expe-

rience in the position of president and chief executive officer for a new Kentucky company, Logan Aluminum, Inc. Through his foresight and hard work, Logan Aluminum today is a world leader in aluminum can sheet stock production.

Mr. Mudge's personal quest for excellence is not limited to the worksite. As a member of the Lewisburg community, he contributed to the revitalization of the local chamber of commerce and the establishment of an economic development commission. In addition, he assisted in the founding of Lewisburg's junior achievement program. Today, Mr. Mudge continues to work on behalf of his community as a member of the Logan Memorial Hospital board and the Western Kentucky University board of regents.

Mr. President, Fred Mudge's work as an industry leader and dedicated community volunteer demonstrates the essential skills and determination our Nation needs to successfully meet the future challenges of job creation and community development. While his daily leadership at Logan Aluminum will be missed, I am confident that the Logan County community will continue to enjoy the benefits of his energy and insight well into the future.

TRIBUTE TO DOROTHY A. HARDY

Mr. GREGG. Mr. President, today I rise to recognize one of my constituents, Mrs. Dorothy A. Hardy, for her many contributions to the town of Pelham, NH over the past 25 years.

Mrs. Hardy's distinguished services to the town of Pelham have included: dispatcher for the Pelham New Hampshire Police Department since 1970; active organizer with the Pelham Good Neighbor Committee; supervisor of the checklist chairman for over 25 years; long-time Republican Party activist, including 1980, 1988, and 1992 town chairman for President George Bush; member of the Pelham American Legion Post 100 Auxiliary, and Pelham newspaper correspondent for the Lowell Sun.

I would like to take this opportunity to highly commend Mrs. Hardy for her dedication, commitment, and numerous contributions to the town of Pelham and its citizens.

Mrs. Hardy has always been a source of great pride to her family, friends, and coworkers and will be sorely missed as she begins her retirement. I would like to extend a special thanks for her outstanding services and wish her all the best for a healthy and prosperous retirement.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in a trillion dollars? When you arrive at an answer, remember that it

was Congress that ran up a debt exceeding \$4½ trillion.

To be exact, as of the close of business yesterday, Monday, January 23, the Federal debt, down to the penny, at \$4,796,793,782,628.86—meaning that every man, woman, and child in America now owes \$18,208.71 computed on a per capita basis.

Mr. President, to answer the pop quiz question—how many million in a trillion?—there are a million million in a trillion, and you can thank the U.S. Congress for the present Federal debt of \$4½ trillion.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate continued with the consideration of the bill.

Pending:

Hatfield amendment No. 181, to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

Dorgan-Harkin amendment No. 178, to require the Board of Governors of the Federal Reserve System to submit a report to the Congress and to the President each time the Board of Governors of the Federal Reserve System or the Federal Open Market Committee takes any action changing the discount rate, the Federal funds rate, or market interest rates.

Hollings amendment No. 182, to express the sense of the Senate concerning Congressional enforcement of a balanced budget.

Graham amendment No. 183, to require a mechanism to allocate funding in a manner that reflects the direct costs to individual State, local, and tribal governments.

Graham amendment No. 184, to provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government.

Wellstone amendment No. 185, to express the sense of the Congress that the Congress

shall continue its progress at reducing the annual Federal deficit.

Wellstone amendment No. 186 (to amendment No. 185), of a perfecting nature.

Murray amendment No. 187, to exclude from the application of the Act agreements with State, local, and tribal governments and the private sector with respect to environmental restoration and waste management activities of the Department of Defense and the Department of Energy.

Murray amendment No. 188, to require time limitations for Congressional Budget Office estimates.

Graham amendment No. 189, to change the effective date.

Levin amendment No. 172, to provide that title II, Regulatory Accountability and Reform, shall apply only after January 1, 1996.

Levin amendment No. 173, to provide for an estimate of the direct cost of a Federal intergovernmental mandate.

Levin amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie.

Levin amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002.

Levin amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective.

Levin amendment No. 177, to clarify the use of the term "direct cost".

Dorgan amendment No. 179, to express the sense of the Senate regarding calculation of the Consumer Price Index.

Harkin amendment No. 190, to express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution.

Bingaman amendment No. 191, to provide that certain legislation shall always be in order.

Bingaman amendment No. 192, to establish the application to requirements relating to the treatment and disposal of radioactive waste.

Kohl amendment No. 193, to provide that any State, local, or tribal government that already complies with a new Federal intergovernmental mandate shall be eligible to receive funds for the costs of the mandate.

Bingaman amendment No. 194, to establish an application to provisions relating to or administered by independent regulatory agencies.

Glenn amendment No. 195, to end the practice of unfunded Federal mandates on States and local governments and to ensure the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

Kempthorne amendment No. 196 (to amendment No. 190), to express the sense of the Senate that any legislation required to implement a balanced budget amendment to the U.S. Constitution shall specifically prevent Social Security benefits from being reduced or Social Security taxes from being increased to meet the balanced budget requirement.

Glenn amendment No. 197, to have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate.

McCain amendment No. 198, to modify the exemption for matter within the jurisdiction of the Committees on Appropriations.

Lautenberg amendment No. 199, to exclude from the application of the Act provisions limiting known human (Group A) carcino-

gens defined by the Environmental Protection Agency.

Mr. KEMPTHORNE. Mr. President, today we begin the seventh day of debate on S. 1, the bill to curb unfunded Federal mandates. I believe we are beginning to see progress. We have had good discussion on this. I think Senators from both sides of the aisle feel that we have an atmosphere where they can make their statements, offer their amendments. Yesterday, 27 Democratic amendments were filed; 4 Republican amendments were filed. Today after 4 o'clock there will be votes on four amendments that had been presented.

I know that we have a number of Senators today who will be filing their amendments and I encourage them to do so, so we can get to those who have amendments, ensure that they are properly before us so we can deal with them and have the discussion.

I would like to read, Mr. President, one paragraph from the 1995 National League of Cities' opinion survey report.

I ask unanimous consent that the entire report be made part of the RECORD, and I will only read the first paragraph which says:

Assuring public safety, curbing unfunded federal mandates, and building strong local economies are the most important priorities for America's cities and towns, according to the National League of Cities' annual opinion survey of municipal officials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1995 NLC OPINION SURVEY NEWS RELEASE

Assuring public safety, curbing unfunded federal mandates, and building strong local economies are the most important priorities for America's cities and towns, according to the National League of Cities' annual opinion survey of municipal officials.

"This agenda—safety, governmental accountability and a sound economy—reflects what is most important now and for the future well-being of our nation's cities and towns. It represents a "Contract for Americans" that unites local government leaders throughout the country," said NLC President Carolyn Long Banks, councilwoman-at-large of Atlanta.

The NLC survey, conducted in October and November, found that public safety dominated the assessment of current problems and future concerns. The findings, are based on responses by 382 elected municipal officials drawn from a random sample in cities with populations of 10,000 or more.

Five of the top six most deteriorated conditions reported by local officials involved crime and violence: youth crime, gangs, violent crime, drugs, and school violence. Three of the ten "most important conditions to address" in the next two years relate to public safety: violent crime, youth crime and gangs.

Unfunded mandates—laws or regulations imposed on cities, but without funding by federal or state governments—continued as the top single issue adversely affecting local governments. Mandates led the list of conditions which worsened in 1994, which deteriorated the most over the past five years, and which were most important to address in the next two years.

Nearly half of the survey respondents reported improving local economic conditions for the second year in a row. At the same

time, attention to economic matters remained a major concern for the future, appearing in four of most important issues to address in the next two years.

"These are the big, pervasive issues that affect the quality of life and the ability to govern responsibly and responsively in our hometown communities," said Banks.

"Making progress with them will make the most difference, for the most good, for the most people, more than anything else, including tax cuts. That's because these are the essential ingredients for a real and lasting empowerment of our citizens and our communities, and that's where the future strength and prosperity of our nation begins," she said.

THE STATE OF AMERICA'S CITIES: ELEVENTH ANNUAL OPINION SURVEY OF MUNICIPAL ELECTED OFFICIALS

(By Herbert L. Green, Jr.)

HIGHLIGHTS

NLC's 1994 survey results are dominated by concerns about public safety and unfunded mandates. Local economies also remained an important concern. Three hundred and eighty two (382) of the nation's municipal officials responded to the survey, which was mailed out before the November elections.

Public safety

Nearly two out of three (63.4 percent) of city officials say that your crime worsened in their locality in 1994.

Crime and violence dominate the "most deteriorated conditions" over the last five years. Five out of the top 6 most deteriorated conditions reported by local officials focused on public safety concerns.

Three out of 10 of the "most important conditions to address" in the next two years relate to public safety.

More municipal elected officials (63.6 percent) selected "strengthening and supporting family stability" as one of the top five measures most likely to reduce crime than any other. The next four items on the list are: jobs and targeted economic development (48.4 percent), more police officers (39.8 percent), after-school programs (33.0 percent), and neighborhood watch programs (33.0 percent).

Fifty five percent of elected officials reported that police/community relations improved in 1994. Thirty seven percent of local officials reported that police/community relations was one of the "most improved conditions" over the last five years.

Unfunded mandates

Seventy-five percent (74.6 percent) of municipal elected officials indicated that the impact of unfunded mandates worsened in 1994.

Mandates topped city officials' list of the ten "most deteriorated conditions" over the last 5 years. Thirty-five percent (35.1 percent) of officials indicated that unfunded mandates were the most deteriorated condition over the last 5 years.

Forty-two percent (41.9 percent) of local officials reported that citizens understand well or somewhat the issue of unfunded mandates in 1994. This was a 15 percentage point increase from the 27.5 percent reported by local officials in 1993.

Local economies

Four of the top 10 "most important conditions to address" in the next two years are related to local economies. More than one-fifth of local officials reported that city fiscal conditions (25.2 percent) and economic conditions (21.1 percent) were most important to address during the next two years.

Forty-eight percent (48.3 percent) of local officials reported improved local economic

conditions in 1994, and 46.4 percent of local officials reported that local unemployment conditions improved in 1994.

At the same time, about one-fifth of other municipal officials reported that the economic conditions and unemployment had worsened in their locality (21.7 percent, and 18.8 percent respectively).

Local governance

Fifty three percent (53.3 percent) of local elected officials indicated that municipal service levels were maintained in 1994. Two-thirds (64.4 percent) of these officials reported that even if city tax rates and fees are not increased in 1995, they will be able to maintain service levels.

Seventy-one percent of mayors, city council members and other elected officials indicate that their cities and towns are involved in local education reform/improvements efforts.

Ten percent (9.5 percent) of responding officials indicated that their cities and towns have a formal telecommunications policy for participation on the "information super-highway." Seventy-eight percent of officials indicated that they are either working on or thinking about putting a telecommunication policy in place.

More than four-fifths (85.6 percent) of local elected officials believe that regional cooperation is important in helping local government achieve its goals.

MANDATES

"So we must keep saying over and over again until the members of the 104th congress heed our cry. 'No check, no mandate . . .' For we must accept the challenge our constituents have set before us; the challenge to balance our budgets without expected and uncontrolled costs; the challenge to be in charge of our destiny."—keynote address, Mayor Sharpe James, President, National League of Cities, Annual Congress of Cities Conference, Minneapolis, MN (December 2, 1994)

Forty two percent of local officials reported that the citizens in their community understood the issue of unfunded mandates either well or somewhat in 1994. Twenty seven percent of local officials reported that citizens in their communities understood the issue of unfunded mandates either well or somewhat in 1993. Fifty eight percent of officials reported that citizens in their community either understand little about the issue or they do not understand the issue.

OVERALL CONDITIONS AND MANDATES

Municipal elected officials (see Chapter 2) reported that overall conditions related to mandates worsened in 1994. Seventy four percent of local officials indicated that unfunded mandates worsened in 1994.

Unfunded mandates also topped city officials list of "most deteriorated conditions," over the last 5 years. When local officials were asked about the most deteriorated conditions in the last five years, 35.1 percent of them indicated that unfunded mandates was one of the most deteriorated conditions. From a list 26 "conditions" unfunded mandates was most often mentioned by city officials.

When local officials were asked about the most important conditions to address during the next two years, 28.7 percent picked unfunded mandates. Unfunded mandates and (violent crime at 28.4 percent) topped city officials list of the "most important conditions" to address in next two years.

Mr. KEMPTHORNE. Mr. President, this whole study reflects the reason the National League of Cities, the U.S. Conference of Mayors, the National Governors Association, the National School Board Association, and others

are so supportive of the efforts of Senate bill 1, as well as the variety of entities in the private sector.

With that, I know that we have Senators who are here to file amendments. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments will be set aside.

The clerk will report.

AMENDMENT NO. 200

(Purpose: To provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate)

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 200.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, strike beginning with line 24 through line 6 on page 25 and insert the following:

"(IV)(aa) provides that if for any fiscal year the responsible Federal agency determines that an appropriation Act does not provide for the estimated direct costs of the mandate as set forth in subclause (III), the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or suspending the mandate for the fiscal year; and

"(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress."

Mr. BYRD. Mr. President, I ask unanimous consent that further consideration of the amendment be delayed until later at such time as I may wish to call up the amendment. I offer the amendment simply to qualify under the agreement.

I ask unanimous consent that my amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENTS NOS. 201, 202, AND 203, EN BLOC

Mrs. BOXER. Mr. President, I send to the desk three amendments en bloc for the purpose of complying with the unanimous-consent agreement of Friday, January 20, and ask that they be temporarily laid aside for debate at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 201, 202 and 203) are as follows:

AMENDMENT NO. 201

On page 42, after line 25, insert the following:

(e) IMMIGRATION REPORT.—Not later than 3 months after the date of enactment of this

Act, the Advisory Commission shall develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

- (1) education;
- (2) incarceration; and
- (3) health care.

AMENDMENT NO. 202

On page 13, line 5, strike "or" after the semicolon.

On page 13, line 8, strike the period and insert "; or".

On page 13, between lines 8 and 9, insert the following:

(7) provides for the protection of the health of children under the age of 5, pregnant women, or the frail elderly.

AMENDMENT NO. 203

On page 13, line 5, strike "or".

On page 13, line 8, strike the period and insert "; or".

On page 13, between lines 8 and 9, insert the following new paragraph:

"(7) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor."

Mrs. BOXER. Mr. President, I want to thank the managers of the bill. They have been cooperative with me. They know that I care a lot about these amendments.

I would like to make a couple of comments about issues that do not have to do with S. 1 and then return to that.

ROSE FITZGERALD KENNEDY

Mrs. BOXER. Mr. President, I send my condolences to the Kennedy family. The Kennedy family has given this country great men and women. They have been profiles in courage in so many ways, and Rose Kennedy certainly was one of those profiles in courage.

I just want to send my deepest sympathy to my friends in the Kennedy family. In behalf of the people of California, we send our condolences to the family.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. Mr. President, I was very pleased that last week the Senate took a little time out to pass a very important amendment regarding violence at health care clinics around this country. I know it was difficult for some of my Republican friends to stop other business and pending matters. They have a contract they want to get through. But as I pointed out, the world goes on, contract or no contract, and we need to respond.

I think the fact that we did respond before the anniversary of Roe versus Wade was very important in terms of timing. I went to a clinic in California in Riverside County. I want to tell my friends in the Senate on both sides of